

*See page #32*  
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*E651435*

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
DUNKIN' DONUTS FRANCHISED  
RESTAURANTS LLC, *et al.*,

Plaintiffs,

v.

HUDSON VALLEY DONUTS, INC., *et al.*,

Defendants.  
-----X

**NOTICE OF MOTION AND  
MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

C.A. No. 7:08-cv-00209-CLB

FILED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF N.Y.  
JUL 11 P 3 2008

PLEASE TAKE NOTICE that upon the annexed certifications of David E. Worthen and Ronald D. Degen in support of this motion and the Certificate of Good Standing annexed thereto, we will move this Court before the Honorable Charles L. BRIANT at the United States Courthouse for the Southern District of New York, pursuant to Rule 1.3 (c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, for an Order allowing the admission of David E. Worthen, a principal with the firm of Gray, Plant, Mooty, Mooty & Bennett, P.A., and a member in good standing of the Bar of the District of Columbia Court of Appeals, as attorney pro hac vice to argue or try this case in whole or in part as counsel on behalf of Plaintiffs. There are no pending disciplinary proceedings against David E. Worthen in any State or Federal court.

Dated: July 11, 2008

Respectfully submitted,

*Ronald D. Degen*  
\_\_\_\_\_  
/Ronald D. Degen (RD 7808)

Scott Goldfinger (SC 9219)  
O'ROURKE & DEGEN, PLLC

225 Broadway, Suite 715  
New York, NY 10007

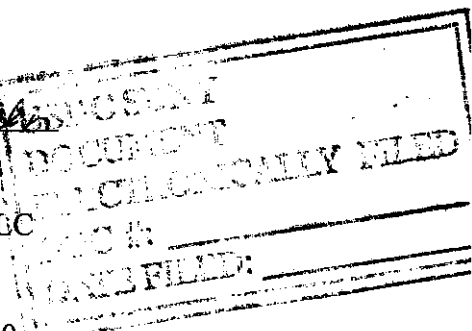
Telephone: (212) 227-4530

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rdegen@odlegal.com

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Attorneys for Plaintiffs



**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

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DUNKIN' DONUTS FRANCHISED :  
RESTAURANTS LLC, *et al.*, :  
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Plaintiffs, :  
 :  
v. :  
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HUDSON VALLEY DONUTS, INC., *et al.*, :  
 :  
 :  
Defendants. :  
-----X

**CERTIFICATION OF RONALD  
D. DEGEN IN SUPPORT OF  
MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

C.A. No. 7:08-cv-00209-CLB

RONALD D. DEGEN, hereby certifies the following:

1. I am an attorney at the law firm of O'Rourke & Degen, PLLC, counsel for Plaintiffs in the above captioned matter. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiffs' motion to admit David E. Worthen as counsel pro hac vice to represent Plaintiffs in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law at the October 1970 Term of the Second Judicial Department. I also was admitted to the bar of the United States District Court for the Southern District of New York on April 20, 1972, and am in good standing with this Court.

3. I have known David E. Worthen for more than ten years.

4. Mr. Worthen is an attorney with the law firm of Gray, Plant Mooty, Mooty & Bennett, P.A. in Washington, D.C.

5. I have found Mr. Worthen to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

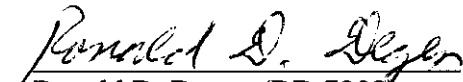
6. Accordingly, I move for the admission of David E. Worthen, pro hac vice.

7. I respectfully submit a proposed order granting the admission of David E. Worthen, pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE, it is respectfully requested that the motion to admit David E. Worthen, pro hac vice, to represent Plaintiffs in the above captioned matter, be granted.


Dated: July 11, 2008

Respectfully submitted,

  
Ronald D. Degen (RD 7808)

Subscribed and sworn to before me

this 11th day of July 2008.

  
Notary Public

**KRISTIN M. LASHER**  
Notary Public, State of New York  
No. 02LA6165004  
Qualified in New York County  
Commission Expires May 7, 2011

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Plaintiffs, :

v. :

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Defendants. :  
-----X

**CERTIFICATION OF DAVID  
E. WORTHEN IN SUPPORT OF  
MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

C.A. No. 7:08-cv-00209-CLB

DAVID E. WORTHEN, hereby certifies the following:

1. I submit this certification in support of my motion for admission to practice pro hac vice in the above-captioned matter. I am a resident of the Commonwealth of Virginia, and a principal with the law firm of Gray, Plant, Mooty, Mooty & Bennett, P.A., 2600 Virginia Avenue, N.W. – Suite 1111, Washington, D.C.

2. As shown in the Certificate of Good Standing annexed hereto, I am a member in good standing of the Bar of the District of Columbia Court of Appeals.

3. I have never been held in contempt of court.

4. There are no pending disciplinary proceedings against me in any State or Federal Court.

5. I have read and I am familiar with the provisions of the Judicial Code (Title 28, U.S.C.), the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, and the New York Lawyer's Code of Professional Responsibility.

6. I will faithfully adhere to all rules applicable to my conduct in connection with any activities in this Court.

WHEREFORE, it is respectfully requested that this Court allow petitioner to appear as counsel and advocate pro hac vice in this one case.

Dated: July 10, 2008

  
David E. Worthen

Subscribed and sworn to before me  
this 10 day of July, 2008.

  
Notary Public

My Commission Expires:

OLIVETTE D. GRAHAM  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires November 30, 2012



District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

DAVID E. WORTHEN

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was on the 5<sup>TH</sup> day of AUGUST, 1994

duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on July 10, 2008.

GARLAND PINKSTON, JR., CLERK

By: *M. Charles*  
Deputy Clerk

**CERTIFICATE OF SERVICE**

I hereby certify, under penalty of perjury, that on July 11, 2008 I served a copy of the Motion for Admission *Pro Hac Vice* for David E. Worthen, supporting papers and proposed order by first class mail in a post paid wrapper addressed to each of the following:

Neil S. Cartusciello, Esq.  
Cartusciello and Associates, P.C.  
470 Park Avenue South, Suite 4N  
New York, New York 10016

Dated: July 11, 2008

  
\_\_\_\_\_  
RONALD D. DEGEN (RD 7808)

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Defendants. :  
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C.A. No. 7:08-cv-00209-CLB

The motion for admission to practice pro hac vice in the above captioned matter is granted.

**IT IS HEREBY ORDERED** that:

David E. Worthen, Esq.  
Gray, Plant, Mooty, Mooty & Bennett, P.A.  
2600 Virginia Avenue, N.W. – Suite 1111  
Washington, D.C. 20037  
david.worthen@gpmlaw.com

is admitted to practice pro hac vice and permitted to argue or try this particular case in whole or in part as counsel on behalf of Plaintiffs.

An attorney admitted to practice pro hac vice is required to pay a \$25.00 attorney admission fee and present this Order to the intake deputy clerk in the Clerk's Office. When paying by mail, return a copy of this Order to the Clerk's Office with the required fee within 10 business days.

This Order confirms your appearance as counsel in this case, and it will be entered on the Court's docket. A notation of your admission pro hac vice for the above listed case will be made on the roll of attorneys.

The attorney admitted pro hac vice must serve a copy of this Order on all other counsel in this case.

Dated: \_\_\_\_\_, 2008

\_\_\_\_\_  
United States District Judge